

## Application Recommended for Approval

COU/2019/0326

Trinity

Town and Country Planning Act 1990

Proposed change of use from use class (A1) to (A2) and residential (sui generis) accommodation to 8 bedrooomed HMO

26 St Matthew Street Burnley Lancashire BB11 4JJ

### Background:

The application site is a gable end, stone terrace which was previously a butchers shop (A1) with living accommodation above. The principal elevation (north) fronts onto St Matthews Street, which is a busy thoroughfare between Manchester Road and Coal Clough Lane.

The applicant has informed the Council that the residential part of the property has been empty for over 12 months and the butchers shop closed down several years ago. The property was on the market for approximately 2 years prior to the applicant purchasing.

The property is attached to No. 28 St Matthew Street and surrounding house types are predominantly terraced. The property sits on the corner of Albion Street, a rear back street serves properties along the terrace. There is a stone wall surrounding the property together with a timber fencing which encloses the rear yard area.

To the rear of the property is the rear elevation of properties on Albion Court which are accessed off Pritchard Street.

The proposal is also linked to a separate planning application for advertisement consent for a new shop front and signage (ADV/2019/0327).



Existing elevations photos taken July 2019



Gable elevation Albion Street

## **Proposal**

The application seeks consent for the change of use of the former A1 butchers, to A2 creating an office base for the applicant's residential lettings company.

The second part of the proposal is for the conversion of the remaining ground floor, first floor and attic space into an 8 separate bedroom HMO (sui generis). The accommodation will be set out as follows:

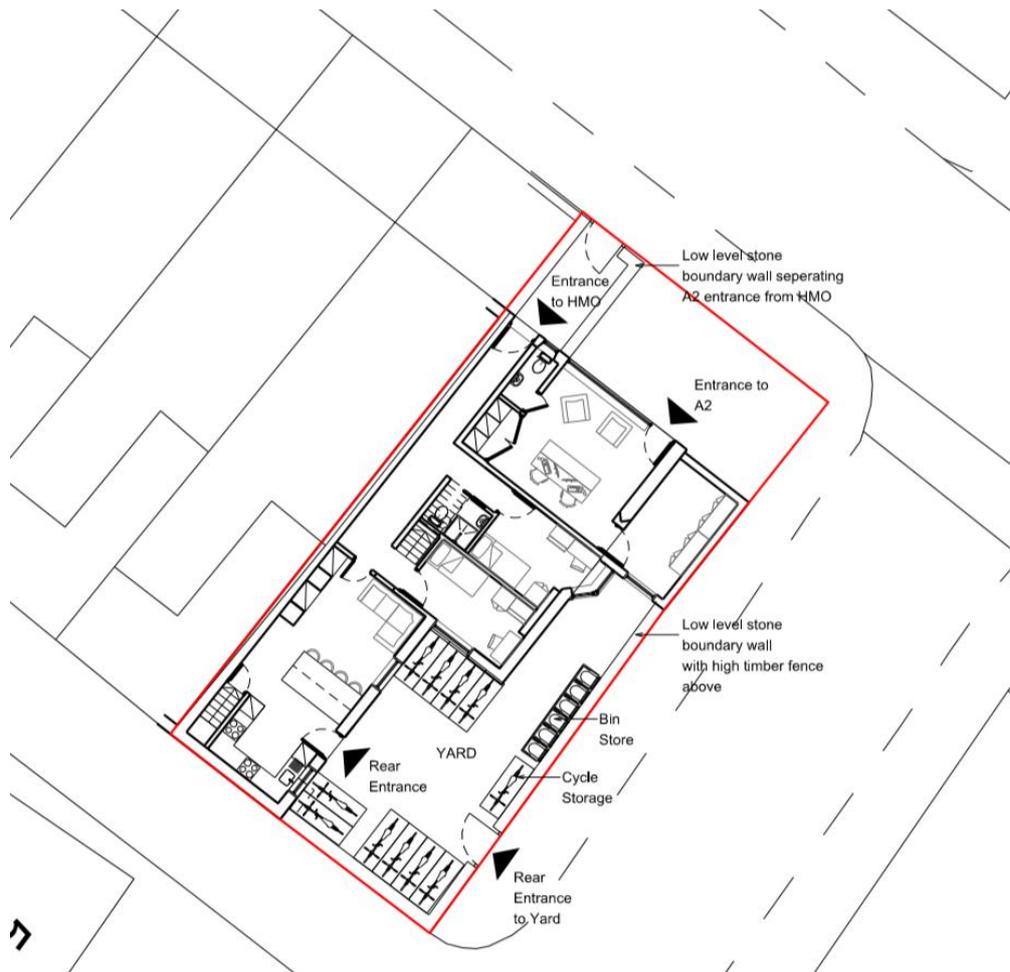
Ground Floor: shop and storage (with a separate entrance) 2 bedrooms and communal living/lounge area kitchen area

1<sup>st</sup> Floor: 5 bedrooms and 2 separate shower rooms

2<sup>nd</sup> Floor/attic space – 1 bedroom

An internal yard area to the rear of the building provides space for refuse storage and cycle storage.

The only changes to the elevations are: the replacement of the shop frontage and signage (subject to a separate advert application ADV/2019/0327) a new uPVC door to the front and side elevations, and the demolition of the timber porch to the side elevation. The existing door opening to the side elevation will be replaced with a white uPVC door to match the windows.



Proposed block plan

**Relevant Policies:**

Burnley's Local Plan 2018

- SP1 – Achieving Sustainable Development
- SP5 – Development Quality and Sustainability
- IC3 – Car Parking Standards
- NE5 – Environmental Protection

NPPF 2019

The NPPF features no specific guidance on the subject of houses in multiple occupation, although the general guidance at paragraph 59, on the need for authorities to plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community, is relevant.

Burnley Council standards for houses in multiple occupation October 2018

From the 1<sup>st</sup> of October 2018, it is a legal requirement for all HMO's to be licenced if the property is occupied by five or more persons, from two or more separate households. The standards set out amongst other things the space standards which are required for HMO's, waste disposal, management and fire assessment. The standards will be used to assess all application for HMO's within the borough.

**Site History:** None relevant

**Consultation Responses:**

Highways - No Objection

*Although there is an indication on the plan that would appear to be a covered secure cycle storage, provided for each room we would wish to ensure that this is covered by a suitable condition. This should be in the form of a covered, secure cycle locker type rather a rack with a canopy.*

Should you wish to support the application we would wish for the following conditions to be added to your decision notice.

1. To aid social inclusion and the promotion of sustainable forms of transport the Highway Development Control Section recommends the applicant provide one cycle space per bedroom.

Environmental Health: No objection in principle subject to the following conditions

- Condition 10 (hours of construction work)
- Condition 34 (self-closing doors)
- Condition 64 (burning of waste materials)

Housing Needs: No Objection

**Publicity**

Councillor Trinity Ward: Object for the following reasons:

- Insufficient parking provision
- Parking in the area is already difficult
- Not in compliance with local plan policy

Neighbour Comment: 1 letter received summarised

- insufficient parking provision in an already saturated location
- not compliant with local plan policy requirements for HMO's

**Planning and Environmental Considerations:**

**The principle of development**

The site is located within the development boundary of the adopted Local Plan, as such policy SP4 states that development will be focused on Burnley and Padiham with development of an appropriate scale.

## **Main issues**

- Impact on the character of the area
- Impact on housing provision
- Impact on amenity of neighbours
- Impact on highway network

### Design: Impact on the character of the area

Policy SP 5 of the adopted Local Plan amongst other considerations seeks new development to respect existing, or locally characteristics street layouts, scale, massing and use an appropriate palette of materials. This is detailed further in policy HS5, stating alterations and extensions to dwellings should be high quality in construction. This is further supported in the NPPF, Paragraph 124, which states the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

The change of use does not involve any major alterations to the external appearance of the property aside from the replacement of windows and the loss of a wooden porch to the side elevation.

The character of the area is predominantly residential with a few commercial properties along the opposite side of St Matthew Street and St Matthew's Church. The property has substantial unused floor space at ground and first floor. Given there are no major external alterations to the property, I do not consider there to be any impact on the existing street scene. There is a flat development on Manchester Road, which is in close proximity to the site on the former Sunny Bank school site, which similar to this application has put back to use a redundant building. The development is considered to be acceptable in accordance with Policies HS5 and SP5.

### Impact on the amenity of residents

Policy SP5 of the adopted Local Plan seeks to ensure that there is no unacceptable adverse impact on the amenity of neighbouring occupants or adjacent land users, including reasoning of overlooking.

As the property had previously been used on the 1<sup>st</sup> floor for living accommodation then the use of the property for HMO would be a similar use. The main living room/kitchen area is located in the ground floor, which would be the same for any residential property.

No. 24 St Matthew Street sits approximately 13m to the east of the side elevation of the property. There are a series of windows on the gable elevation. As there are no new window openings at the application site any issues of overlooking remain unchanged as part of the development.

This scheme would not be detrimental to the amenity of neighbouring residents in terms of overlooking, loss of privacy or overshadowing and as such complies with policies HS4 part 3, HS5 and SP5. It is not considered that the proposed development will cause any harm, and as such will be in accordance with policy SP5 and NE5 of the adopted Local Plan.

### Impact on the Housing Provision

The NPPF recognises the role of the planning system in providing a supply of housing required to meet the needs of present and future generations and the need to boost significantly the supply of housing. Housing applications should be considered in the context of the presumption in favour of sustainable development.

One of the government's strategic housing policy objectives is to create sustainable, inclusive, mixed communities in all areas. They are also clear that local policies should be informed by a robust, shared evidence base particularly with regard to housing need and demand. Furthermore, sustainable development has become a primary focus of national guidance which has significant implications for all aspects of new development but particularly accessibility, parking and the effective and efficient use of land. Guidance is clear that the conversion of existing housing can provide an important source of new housing.

The approach is also a focus in Burnley's adopted Local Plan, with the second of the 11 key objectives listed on 'population and housing'. Policy SP2 of the Local Plan sets out the housing requirement from 2012-2032 including the re-use of empty homes and buildings. Furthermore, policy SP4 sets out the development strategy for the borough directing development to be focused within the development boundary which this property is located within.

### Impact on the Highway Network

Paragraph 32 of the NPPF states that planning decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure; safe and suitable access to the site can be achieved for all people; and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Burnley's adopted car parking standards state that a 1 bedroom HMO should provide 1 space per dwelling, so this would equate to 8 parking spaces to serve the development, if indeed all the occupiers had a car. There are no parking restrictions on surrounding streets so on-street parking is possible. The site is within a sustainable location a 15 minute walk into Burnley town centre, 10 minute walk to Manchester Road train station and a wide range of bus services.

LCC Highways have assessed the application and do not object to the principle of the change of use.

### Other issues; including bin storage, cycle storage

Bin storage and cycle storage will be located within the yard area to the rear of the property. A condition on the cycle storage and bin storage will be placed to ensure they are in place prior to the HMO being occupied.

## Conclusion

The development brings back into use a redundant property. The external changes to the building are minimal. The site is within a sustainable location and the Council supports development that will help to add to the overall mix of housing provision in the borough.

**Recommendation:** Approve subject to conditions

1. The development to which this permission relates must be begun not later than the expiration of three years from the date of this permission.

Reason: In accordance with Section 91(1) of the Town and Country Planning Act 1990 as amended by the Planning Compulsory Purchase Act 2004.

2. The development permitted shall be constructed in complete accordance with the specifications in the application and approved plans listed below, unless otherwise agreed in writing by the local planning authority.

Reason: To avoid doubt and to ensure an acceptable development as indicated on the submitted drawings.

3. All materials to be used in the approved scheme shall be as stated on the application form and approved drawings received on 20/6/19 and shall not be varied without the prior written approval of the Local Planning Authority.

Reason: To ensure that the development will be of a satisfactory appearance and to comply with policies SP5 and HS5 of Burnley's Local Plan 2018.

4. Unless otherwise approved in writing by the Local Planning Authority, all works and ancillary operations in connection with the construction of the development, including the use of any equipment or deliveries to the site, shall be carried out only between 0800 hours and 1700 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sundays, Bank Holidays or Public Holidays. Where permission is sought for works to be carried out outside the hours stated, applications in writing must be made with at least seven days' notice to the Local Planning Authority.

Reason: To safeguard the amenities of nearby residents in accordance with policy NE5 of the adopted Local Plan.

5. The external doors shall be fitted with a self-closing mechanism, which shall be maintained in working order, and shall be kept closed at all times when not being used for purposes of access into, or egress from, the building.

Reason: To ensure that the emission of noise is controlled in the interests of the amenity of nearby residents in accordance with policy NE5 of the adopted Local Plan.

6. No combustion of any materials likely to result in smoke or other nuisance by atmospheric pollution shall take place on the site.

Reason: In order to not significantly pollute the environment in accordance with policy NE5 of the adopted Local Plan.

7. No part of the approved scheme shall be first occupied until refuse and recycling storage provision has been provided as indicated on the approved plans. The approved refuse and recycling storage provision shall thereafter be retained in perpetuity.

Reason: To ensure adequate provision for bin storage in the interests of the visual amenities of the area, in accordance with the Policies SP5 and HS4 of Burnley's Local Plan (July 2018).

8. No part of the approved scheme shall be first occupied until secure cycle storage provision has been provided on site. The approved secure cycle provision shall thereafter be retained in perpetuity.

Reason: In order to encourage alternative methods of travel and a wider choice of transport modes, in accordance with policy IC1 of the adopted Local Plan.

Paula Fitzgerald  
12th August 2019